



Redruth Civic Centre, Alma Place, Redruth, Cornwall TR15 2AT  
Tel No: 01209 210038 e-mail: admin@redruth-tc.gov.uk

**Town Mayor: Cllr M J Brown**

**Town Clerk: P B Bennett**

See Distribution

*Our Reference:*  
RTC/420/3/Mtg  
*Date:*  
25<sup>th</sup> May 2022

Dear Councillor

**Interim Planning Committee Meeting – Monday 30<sup>th</sup> May 2022**

You are summoned to attend an Interim Meeting of the Redruth Town Council Planning Committee to be held in the Langman Room, Redruth Civic Centre, Alma Place on Monday 30<sup>th</sup> May 2022, commencing at **18:30**.

The Agenda and associated papers are enclosed for your reference and information.

We request that Members do not attend the Council building before 6:20 p.m. Entry to the building will be through the main access doors to the Library and we ask that you continue to wear a face covering, unless exempt, and sanitise hands on entry. At the conclusion of the meeting members are asked to vacate the building promptly through the external door in the Langman Room to Alma Place.

Yours sincerely

A handwritten signature in black ink, appearing to read 'PB', with a long horizontal line extending to the right.

Peter Bennett  
Town Clerk

**Enclosure:**

1. Agenda and associated documentation

Distribution:

Action:

Cllr R S Barnes  
Cllr A Biscoe  
Cllr H Biscoe  
Cllr M Brown  
Cllr L Collins  
Cllr B Craze  
Cllr B Ellenbroek  
Cllr W Tremayne

For Information:

All other Councillors  
Cornwall Council Members  
Press & Public

**Redruth Town Council**  
**Interim Planning Committee Meeting – 30<sup>th</sup> May 2022**

**AGENDA**

1. To receive apologies for absence.
2. Members to declare any disclosable pecuniary interests or non-registerable interests (including details thereof) in respect of any item(s) on this Agenda.
3. *To suspend Standing Orders to allow the public to speak*
4. To allow the public to put questions to the Council
5. *To reinstate Standing Orders*
6. To consider the planning applications [see schedule attached]
7. To receive correspondence:
  - 7.1 Cornwall Council – Appeal against Enforcement Notice, EN21/01678, The Garage, 1 Old Portreath Road, Sparnon Gate, Material change in the use of part of a domestic garage to a self-contained dwelling used for residential purposes
  - 7.2 Cornwall Council – Review of Mineral Planning Permissions: application for postponement of periodic of mineral planning permissions, South Crofty Mine, Planning Ref PA22/03977

# REDRUTH TOWN COUNCIL PLANNING COMMITTEE

## SUBMISSIONS FOR: Monday 30<sup>th</sup> May 2022

### LIST 1 (FOR APPROVAL EN-BLOC)

Ser No	Planning App No (All PA22/ unless otherwise stated)	Details	Ward	Reply
1	03448	16 Trewirgie Road  Works to a tree subject to a tree preservation order (TPO), works include the felling of a Chile Pine tree  For Richard Barry	South	Supported
2	03587	Land South West of Tolgus Veau Farmhouse, Tolgus  The construction of 60 dwellings with associated gardens, parking and landscaping and vehicular access from U6046 (Approval of reserved matters of Access, Appearance, Landscaping, Layout and Scale pursuant to planning permission PA18/06071)  For Wilson Land Partnership	North	Supported
3	03983	Wheal Rose Caravan and Camping Park, Wheal Rose, Scorrier  Application for a Lawful Development Certificate for an Existing Use to confirm lawful non-compliance with condition 4 of planning permission W2/PA97/00933/F at Wheal Rose Caravan and Camping Park, Scorrier, Redruth, Cornwall, TR16 5DB  For Mr P Cash, Willowside Park Homes Ltd	North	Supported

## LIST 2

<b>Ser No</b>	<b>Planning App No (All PA22/ unless otherwise stated)</b>	<b>Details</b>	<b>Ward</b>	<b>Reply</b>
4	02528 (Cllr Collins)	<p style="text-align: center;">5 Higher Fore Street</p> <p>Conversion of vacant dwelling above restaurant into 2no. 1 bedroomed flats and 1no. 2 bedroomed flat in roof space, extension at first floor to form a staff room with roof terrace above serving the proposed 2 bedroomed flat</p> <p style="text-align: center;">For Mr Lee Price</p>	North	
5	04552 (Cllr Ellenbroek)	<p style="text-align: center;">Land at Tolgus</p> <p>Non-material amendment (NMA1) in relation to decision notice PA20/02195 dated 16.10.2020 for revision to the extent and alignment of Cornish hedgebank on the A3047 boundary with the proposed development. This will include the localised re-building of some section of hedgebank to match the existing style and proportions</p> <p style="text-align: center;">For Tony Brown, Vistry Partnerships South West</p>	North	
6	03846 (Cllr Tremayne)	<p style="text-align: center;">5 Heanton Villas, Heanton Terrace</p> <p>Proposed double garage at rear of property with concrete block walls and grey metal box profile cladding to roof</p> <p style="text-align: center;">For Mr Lee Barrett</p>	South	
7	04211 (Cllr Brown)	<p style="text-align: center;">Land to the rear of Cornwall Engines / Cornwall Furniture Warehouse, Cardrew Industrial Estate</p> <p>Development of industrial starter units</p> <p style="text-align: center;">For Mr Patrick Rescorla, Atticus Property Ltd</p>	Redruth Central, Carharrack & St Day	



Redruth Town Council  
Clerk To Redruth Town Council  
The Chambers  
Penryn Street  
Redruth  
TR15 2SP

Your ref:

My ref: EN21/01678

Date: 12 May 2022

Dear Sir/Madam

### **Town and Country Planning Act 1990 - Section 174 Appeal**

I am writing to let you know that an appeal has been made to the Ministry of Housing, Communities and Local Government in respect of an enforcement notice that has been issued by Cornwall Council following alleged breaches of planning control at the following site. The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

MHCLG ref:	<b>APP/D0840/C/22/3297058</b>
Cornwall Council ref:	<b>EN21/01678</b>
Appeal Start Date:	<b>29 April 2022</b>
Breach of Planning Control:	<b>Appeal against Enforcement Notice - Material change in the use of part of a domestic garage to a self-contained dwelling used for residential purposes</b>
Location:	<b>The Garage 1 Old Portreath Road Sparnon Gate</b>
Appellant:	<b>Mr Kevin Fentham</b>

The Council considered it expedient to issue the enforcement notices because

Having considered the facts of the case the residential use of part of the domestic garage would not enhance the immediate setting; would not be accessible by a range of transport modes and would lead to an intensification of a residential use in the countryside where no special circumstances have been demonstrated. Consequently, the proposal is in conflict with Policies 1,2,3,7 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030, adopted November 2016 and paragraphs 79 and 80 of the NPPF 2021.

The grounds on which the appeal has been made are:

**Ground A** That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged.

**Ground B** That the breach of planning control alleged in the enforcement notice

Cornwall Council

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has not occurred as a matter of fact.

**Ground F** That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.

**Ground G** The time given to comply with the notice is too short.

The enforcement notice and the appellant's statement are available on request. You have been notified so that you may, if you wish, submit your views in writing or request a copy of the appeal decision letter. You should write direct to The Planning Inspectorate, Room 3/26a, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, within 6 weeks of the appeal start date (stated above) quoting their reference number. If you require an acknowledgement letter or a copy of the final decision you must include this request in your communication.

The Planning Inspectorate has introduced an online appeals service which you can use to comment on this appeal. You can find this service through the Appeals area of the Planning Inspectorate Web Site – see <https://acp.planninginspectorate.gov.uk>. The Inspectorate may publish details of your comments on the internet on the Appeals area of the Planning Inspectorate. Your comments may include your name, address, e-mail address or telephone number. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to a third party, please ensure that you have the permission to do so. More detailed information about data protection and privacy matters is available on the Planning Inspectorate.

You can get a copy of The Planning Inspectorate's booklet, "Guide to taking part in enforcement appeals proceeding by written representations – England" free of charge from this office or via the following link:

<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

Should you require any further information in connection with this appeal, please telephone me.

Yours faithfully



**Senior Development Support Officer**  
**Development Management Service**  
**Tel: 01872 322222**  
**Email: [planningappeals@cornwall.gov.uk](mailto:planningappeals@cornwall.gov.uk)**

ops

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**From:** Peter Bennett (Town Clerk)  
**Sent:** 18 May 2022 10:22  
**To:** Admin  
**Subject:** FW: South Crofty Mine - Review of Mineral Planning Permissions: application for postponement of periodic of mineral planning permissions. PA22/03977

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**From:** Tim Warne [REDACTED]  
**Sent:** 18 May 2022 10:19  
**To:** [enquiries@camborne-tc.gov.uk](mailto:enquiries@camborne-tc.gov.uk); [enquiries@illologanparishcouncil.gov.uk](mailto:enquiries@illologanparishcouncil.gov.uk); [clerk@carnbreaparrishcouncil.gov.uk](mailto:clerk@carnbreaparrishcouncil.gov.uk); Peter Bennett (Town Clerk) <[townclerk@redruth-tc.gov.uk](mailto:townclerk@redruth-tc.gov.uk)>  
**Cc:** Cllr Stephen Barnes <[cllr.stephen.barnes@cornwall.gov.uk](mailto:cllr.stephen.barnes@cornwall.gov.uk)>; Cllr Dave Crabtree <[cllr.david.crabtree@cornwall.gov.uk](mailto:cllr.david.crabtree@cornwall.gov.uk)>; Cllr Philip Desmonde <[cllr.philip.desmonde@cornwall.gov.uk](mailto:cllr.philip.desmonde@cornwall.gov.uk)>; Cllr Sally Weedon <[cllr.sally.weedon@cornwall.gov.uk](mailto:cllr.sally.weedon@cornwall.gov.uk)>; Cllr Barbara Ellenbroek <[cllr.barbara.ellenbroek@cornwall.gov.uk](mailto:cllr.barbara.ellenbroek@cornwall.gov.uk)>; Cllr Peter Perry <[cllr.peter.perry@cornwall.gov.uk](mailto:cllr.peter.perry@cornwall.gov.uk)>; Cllr John Morgan <[cllr.john.morgan@cornwall.gov.uk](mailto:cllr.john.morgan@cornwall.gov.uk)>; Cllr Paul White <[cllr.paul.white@cornwall.gov.uk](mailto:cllr.paul.white@cornwall.gov.uk)>; Cllr Loveday Jenkin <[cllr.loveday.jenkin@cornwall.gov.uk](mailto:cllr.loveday.jenkin@cornwall.gov.uk)>  
**Subject:** FW: South Crofty Mine - Review of Mineral Planning Permissions: application for postponement of periodic of mineral planning permissions. PA22/03977

Information Classification: CONTROLLED

**Review of Mineral Planning Permissions: application for postponement of periodic of mineral planning permissions - South Crofty Mine Planning Ref PA22/03977**

Dear All,

I am writing to notify the relevant Town / Parish Councils – and copying in the Local Cornwall Councillors – (i.e. Parish /Town /Member Divisions that lie within or close to the application boundary) - that the Council as the Mineral Planning Authority (MPA) have received the above application for a postponement of the Review of Old Mineral Permissions (ROMPs) at South Crofty under Paragraph 5 of Schedule 14 of the Environment Act 1995 – see below. For this type of application there are not formal requirements for consultations / local publicity – (as it is a matter for the MPA to consider) - but I am writing as a courtesy to inform.

The Environment Act 1995 (Section 96) places a duty on all MPAs to review and update planning permissions for mineral sites which were granted planning permission under the Town and Country Planning Acts between 1948 and 1983; and the then undertake a periodic review every 15 years thereafter - but see below. This process is known as the Review of Old Mineral Permissions (ROMPs). The ROMP process seeks to ensure that all mineral permissions are subject to a set of modern conditions and environmental controls. The process does not result in a new planning permission and neither is there scope within it to amend the terms of existing planning permissions.

**The Review of Old Mineral Permission (ROMP) – process**

**Environment Act (EA) 1995 (as amended)**

The renewal of mineral planning permissions has historically been governed by the legislation set out in Schedule 14 of the EA 1995. In July 2013, amendments were made to Schedule 14 of the EA by the Growth and Infrastructure Act 2013 (“GIA”) by way of Section 10 and Schedule 3. The provisions of Section 10 and Schedule 3 of the GIA came into force on 25 June 2013.

Schedule 14 to the EA requires MPAs in England to review mineral planning permissions relating to mining sites in their areas. Section 10 of the GIA changed the previous regime of fixed reviews of mineral permissions every 15 years to give MPAs in England greater discretion over whether second and subsequent reviews are required and when they take place. This is subject to the provision that the interval between any two reviews cannot be less than 15 years. The changes imposed by the GIA thus relaxed the fixed timescales for the second and subsequent periodic review and it is now at the discretion of the relevant MPA, usually in consultation with site owners/operators, to determine when sites need to be reviewed. For information, the site operators have been in discussions with the MPA over this matter.

The statutory 12 months reminder notice for the next Review of Old Mineral Permission (ROMP) for South Crofty was sent by the MPA - to the operators on 21.01.2022 - noting that the deadline for the submission of the next ROMPs application was 31.01.2023. However, under the provisions of the Act, the operator can submit a request to the MPA to defer the ROMP through a ‘postponement’ and such a request needed to have been received by 30.04.2022. In order to avoid unnecessary review, where the existing planning conditions are judged to be satisfactory, the legislation makes provision for the mineral owner to apply to the MPA to postpone the review of the mineral permissions.

The current application for postponement was made and was validated before the requisite deadline of 30.04.2022.

The Planning Practice Guidance (PPG) contains government guidance in relation to various matters including ROMPS – and Paragraph 192 of the PPG relates to how frequently reviews should take place and confirms that :-

*‘There is no fixed period when periodic reviews should take place so long as the first review is no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the initial review. Any further reviews should be at least 15 years after the date of the last review’.*

It goes on to confirm that- *‘MPAs should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware of and has not been able to address’.*

Paragraph 200 of the PPG relates to operators applying for a delay in reviewing the planning conditions and notes that - *‘Such requests for postponement should be on the grounds that the existing planning conditions are satisfactory, and, if accepted, mineral planning authorities are encouraged to postpone reviews for 10 to 15 years’.*



## **Details of the current application**

The current application seeks the postponement of the ROMPs - for a period of 10 years – from 31.01.2023 to 31.01.2033.

A link to the application is given here <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RAXUBHFG1W400>

In summary, in their application - the applicants note the following:-

*- the conditions of the planning permissions for the surface and underground mineral development at the South Crofty Mine were reviewed through the Review of Mineral Permissions (ROMP) process, resulting in the issue of a single set of operating conditions in 2006;*

*- the mine's development proposals were facilitated and enabled by the issuing of the new Surface Permission (ref PA10/04564, dated 3rd November 2011) which provided for the relocation of the surface mining development to a new area to the south. The planning conditions of the Surface Permission have been subject to a number of non-material amendments (which are shown in the application);*

*- in January 2013 the Underground Permission (PA10/05145) was granted which provided for the consolidation and extension of the underground planning permission. This permission significantly extended the permitted underground mining area from 510 hectares to 1490 hectares while also imposing revised planning conditions relating to such underground operations. This permission has superseded the underground provisions of the 2006 ROMP;*

*- the planning conditions set out in the 2006 ROMP remain suitable for any surface mining development element under the permissions subject to the 2006 ROMP. It is anticipated that future surface mineral operations will be carried out by virtue of the Surface Permission (PA10/04564) and the conditions relating to the underground elements of the 2006 ROMP were superseded by virtue of the Underground Permission (PA10/05145) in January 2013;*

*- both the Surface Permission and Underground Permission have newer conditions applied and these conditions have been considered above and found to be acceptable and suitable.*

*- the South Crofty Mine is regularly inspected and monitored by the Mineral Planning Authority and compliance with each planning condition is assessed as part of this monitoring regime. A Planning Condition Monitoring Report is produced following each inspection. A copy of the latest monitoring report for the South Crofty Mine is provided in the application documents where it is noted that the development is currently compliant with each of the 136 planning conditions;*

*- this demonstrates that the current conditions remain applicable and satisfactory to the mining operations and that the mineral operator is operating the mine in accordance with the permissions and conditions.*

*- South Crofty Mine is currently described as 'inactive' within the Planning Condition Monitoring Report, prepared by the Mineral Planning Authority. Substantial funding has recently been secured*

*and it is anticipated that mine dewatering will commence in the next twelve months with the mine itself becoming fully operational with 4-5 years. It would be prudent to allow the Mine to become operational before reviewing the current planning conditions as this would provide an opportunity to fully assess and review the operating parameters of the Mine at that time.*

*- to avoid unnecessary review where the existing planning conditions are judged to be satisfactory the PPG allows provision for the postponement of a review for a reasonable number of years, which is recommended to be between 10 and 15 years. The review of the planning conditions in this application has shown them to be comprehensive, applicable and to reflect current practices.*

*- accordingly it is therefore the conclusion of the application that a formal Review of Mineral Planning at the South Crofty Mine is unnecessary at this time and a postponement to this effect is sought of 10 years from 31st January 2023 to 31st January 2033.*

### **MPA's comments / assessment**

South Crofty Mine in general now has modern planning conditions and the Council's Planning Condition Monitoring Reports (undertaken by the MPA) demonstrate that the current conditions remain applicable and satisfactory to the mining operations. To avoid unnecessary review where the existing planning conditions are judged to be satisfactory, MPG 14 allows provision for the postponement of a review for a reasonable number of years, which is recommended to be between 10 and 15 years.

After due consideration it is therefore the recommendation and conclusion of the MPA that an application for a formal ROMP at South Crofty is unnecessary at this time or in the near future – in view of the current suites of modern planning conditions applicable to the site and therefore that the suggested postponement period of 10 years be agreed such that the new date by which an application for a ROMPs Review application need to be submitted by - be extended to 31st January 2033.

For information purposes, this is not a unique request to the MPA – only ever in respect of South Crofty . Over the years the MPA have had many similar requests for other Mineral Sites where suitable postponements have been granted where it has been concluded that their current conditions are up to date and do not require review.

Should the above postponement be agreed – the Council will continue to monitor the site and such postponement will not prejudice any consideration of other applications / submissions that may or not come forward respect of the mine.

If you have any comments on this notification – please can you contact me within 14 days of this email.

If I don't hear back from you I will assume that you have no comments.

If you have any queries then it may be best for you contact me on my mobile - [REDACTED]

Regards

[REDACTED] | Principal Development Officer - Minerals and Waste | (Enforcement and Appeals)  
| Planning & Sustainable Development Service | Economic Growth and Development Directorate  
| Cornwall Council

Email [REDACTED] | 01872 322222 | mobile [REDACTED]

Level 2, Zone D, Pydar House, Pydar Street, Truro, Cornwall. TR1 1EB  
[www.cornwall.gov.uk](http://www.cornwall.gov.uk)

Important Notice that may affect your planning application: From 1 January 2019, Cornwall Council will be a Community Infrastructure Levy (CIL) Charging Authority, and any new development could be liable to pay a CIL. Visit [www.cornwall.gov.uk/cil](http://www.cornwall.gov.uk/cil) now to find out how CIL may affect your development.

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